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Technology Center 2600

Group Art Unit: 2675

Examiner: Chanh Duy NGUYEN

For: METHOD AND APPARATUS FOR ADJUSTING A BRIGHTNESS OF A
DISPLAY SCREEN

REPLY TO ELECTION REQUIREMENT

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

In reply to the Office Action of May 20, 2003 wherein election of species has been required, Applicant hereby elects Group A (Species of Figure 2A), with traverse, for prosecution in the above-identified application. Claims 1-49 read on the elected species, and Applicant respectfully submits that at least claims 14, 30, 32, 33 and 49 are claims generic to all embodiments reciting a method or apparatus for adjusting the brightness of a display screen.

Claims 1-49 read on the species of Figure 2A.

It is respectfully submitted that the subject matter of each of the designated inventions is sufficiently related that a thorough search for the subject matter of each of the designated inventions would encompass a search for the subject matter of the remaining designated inventions. Specifically, as noted at least on Page 16, Paragraph 50 of the specification, Figures

2B-2E are examples of various, mutually compatible ways to configure the Figure 2A embodiment.

For example, the specification notes that the type of process of the CPU, such as whether the CPU is running a display intensive process (Figure 2A), is determined. Various ways of determining whether the CPU is running a display intensive process include CPU usage as determined from a system registry (Figure 2B), searching for certain keywords (Figure 2C), determining whether certain memory devices are in use (Figure 2D), determining whether certain read/write devices are in use (Figure 2E), and determining whether a modem is in use (Figure 2F). Thus, Figure 2A is generic to Figures 2B-2E, and Applicant respectfully submits that an election of species improper.

In addition to being various examples of Figure 2A, Figures 2B-2F are mutually compatible process. Accordingly, Figure 2A may include any or all of the embodiments of Figure 2B-2E. As such, Figures 2A-2E do not show different species because no mutual exclusive features are shown in the figures, and Applicant respectfully submits that an election of species is improper.

Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to

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avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Randall H. Cherry, at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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